



# EXECUTIVE COUNCIL OF IOWA

Teleconference Only

Monday, March 21, 2022 at 10:00 AM

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## AGENDA

### MEMBERS OF COUNCIL

Hon. Kim Reynolds | **Governor**  
Hon. Paul D. Pate | **Secretary of State**  
Hon. Rob Sand | **Auditor of State**  
Hon. Michael L. Fitzgerald | **Treasurer of State**  
Hon. Michael L. Naig | **Secretary of Agriculture**

### Teleconference Only

Conference Call Phone Number: (866) 685-1580

Conference Code Pin: 0009990993

#### 1. **Approval of Minutes**

[A.](#) Approval of the minutes from the Executive Council meeting held on March 7, 2022.

#### 2. **Personal Appearances**

[A.](#) Christie Templeton, Department of Human Services, will be present to request funds in the amount of \$150,000.00 pursuant to Iowa Code §29C.20A and §29C.20B with regard to the Governor's Proclamation of a State of Disaster Emergency for Adair, Benton, Decatur, Jasper, Lucas, Polk, Madison, Tama, Warren and Wayne counties.

#### 3. **Iowa Code §7D.10**

[A.](#) Attorney General's office request Payment for Expenses under Iowa Code §7D.10 in the amount of \$6,400.00.

#### 4. **Emergency Allocations**

A. Department of Natural Resources is requesting an emergency allocation of \$37,592.50. On June 26, 2021, flash flooding caused damage at Yellow River State Forest in Allamakee County. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation, subject to audit of actual invoices.

B. Department of Natural Resources is requesting an emergency allocation of \$3,298.96. On November 23, 2021, a fire caused damage to McIntosh Woods State Park Yurt Deck. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation, subject to audit of actual invoices.

- C. Iowa Communications Network is requesting a supplemental emergency allocation in the amount of \$12,390.37. This brings the total allocation to \$92,321.05. On April 6, 2021, ICN sustained cable damage due to exposure in 2 location in Audubon County. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation and payment. This represents full and final payment and this allocation will be closed.

- D. Iowa Communications Network is requesting a supplemental emergency allocation in the amount of \$2,390.74. This brings the total allocation to \$21,328.26. On August 18, 2021, ICN sustained cable damage due to excessive erosion along Highway 148 in Taylor County. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation and payment. This represents full and final payment and this allocation will be closed.

- E. Iowa Communications Network is requesting a supplemental emergency allocation in the amount of \$10,255.40. This brings the total allocation to \$49,277.52. On September 2, 2021, ICN sustained cable damage due to excessive erosion along Highway 24 in Winneshiek County. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation and payment. This represents full and final payment and this allocation will be closed.

- F. Iowa Communications Network is requesting a supplemental emergency allocation in the amount of \$11,150.06. This brings the total allocation to \$40,018.01. On September 7, 2021, ICN sustained cable damage due to exposure along Highway 24 in Chickasaw County. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation and payment. This represents full and final payment and this allocation will be closed.

- G. Iowa Communications Network is requesting an emergency allocation in the amount of \$15,460.70. On January 21, 2022, ICN cables were damaged due to an exposure near Highway 14 in Lucas County. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation, subject to audit of actual invoices and supporting documentation and demonstration that no costs covered by the maintenance contract have been included.

- H. Department of Public Safety is requesting an emergency allocation of \$16,749.71. On December 11, 2021, State Patrol Vehicle #336 was damaged by a deer. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation, subject to audit of actual invoices.

- I. Board of Regents - University of Northern Iowa is requesting an emergency allocation in the amount of \$65,967.34. On October 16, 2021, UNI sustained vandalism damages to a water fountain in Bender Hall. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation, subject to audit of actual invoices.

- J. Iowa State Fair is requesting a supplemental emergency allocation in the amount of \$49,550.00. This brings the total allocation to \$154,272.00. On December 15, 2021, a windstorm caused roof damages to the Varied Industries Building, Soda Shop, Grandstand and General Store. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation, subject to audit of actual invoices.

## 5. Payment of Cost Items

- A. Department of Natural Resources.....\$41,146.34  
On June 5, 2019, hail caused damage to various buildings at Lacey Keosauqua State Park in Van Buren County. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends payment. This represents full and final payment, \$28,414.27 will be reverted and this allocation closed.

- B. Department of Natural Resources.....\$13,874.06  
On June 20, 2021, the septic system was damaged at the Visitors Center at Lewis & Clark State Park in Monona County. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends payment. This represents full and final payment.

- C. Department of Natural Resources.....\$3,485.00  
On July 16, 2021, a fire caused damage to the seasonal housing breaker box at Lake Manawa State Park in Pottawattamie County. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends payment. This represents full and final payment.

- D. Iowa Communications Network .....\$41,955.57  
On April 16, 2021 and April 18, 2021, a cable was damaged in multiple locations due to rodent chews along Highway 18 and 570th Avenue in Palo Alto County. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends payment. This represents full and final payment.

- E. Patterson Law Firm L.L.P.....\$462.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Richard Adrian v. University of Iowa, State of Iowa and Second Injury Fund of Iowa

Samuel P. Langholz, Assistant Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

- F. Patterson Law Firm L.L.P.....\$126.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Robert Allen v. University of Iowa Hospitals & Clinics and State of Iowa and Second Injury Fund of Iowa

Samuel P. Langholz, Assistant Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

- G. Patterson Law Firm L.L.P.....\$126.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Debra J. Breckenridge v. Iowa Judicial Branch, State of Iowa and Second Injury Fund of Iowa

Samuel P. Langholz, Assistant Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

- H. Patterson Law Firm L.L.P.....\$436.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Donald Briggles v. Iowa DOT, State of Iowa and Second Injury Fund of Iowa

Samuel P. Langholz, Assistant Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

- I. Patterson Law Firm L.L.P.....\$238.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Michelle Franz v. Woodward Resource Center, State of Iowa and Second Injury Fund of Iowa

Samuel P. Langholz, Assistant Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

- J. Patterson Law Firm L.L.P.....\$126.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Cyril Irvine v. Anamosa State Penitentiary; State of Iowa and Second Injury Fund of Iowa

Sam P. Langholz, Assistant Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

- K. Patterson Law Firm L.L.P.....\$812.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Debra Oelrich v. University of Iowa Hospitals & Clinics, State of Iowa and Second Injury Fund of Iowa

Samuel P. Langholz, Assistant Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

- L. Patterson Law Firm L.L.P.....\$22.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Larry Opal v. Clarinda Correctional Facility, State of Iowa and Second Injury Fund of Iowa

Samuel P. Langholz, Assistant Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

- M. Patterson Law Firm L.L.P.....\$276.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Mark Ostring v. Woodward Resource Center, State of Iowa and Second Injury Fund of Iowa

Samuel P. Langholz, Assistant Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

- N. Patterson Law Firm L.L.P.....\$28.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Bryson Powell v. Glenwood Resource Center, State of Iowa and Second Injury Fund of Iowa

Samuel P. Langholz, Assistant Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

- O. Gray Miller Persh, LLP.....\$1,573.20  
2233 Wisconsin Avenue NW  
Suite 226  
Washington, D.C. 20007  
Iowa PBS

Samuel P. Langholz, Assistant Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from Iowa PBS

- P. Denton Davis Brown PC.....\$835.00  
215 10th Street,  
Suite 1300  
Des Moines, IA 50309-3993  
Special Counsel for Copyright, Trademark & Patent Issues

Samuel P. Langholz, Assistant Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Iowa Department of Human Services.

- Q. Denton Davis Brown PC.....\$604.00  
215 10th Street,  
Suite 1300  
Des Moines, IA 50309-3993  
Special Counsel for Copyright, Trademark & Patent Issues

Samuel P. Langholz, Assistant Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Iowa Department of Human Services.

## 6. Adjourn Meeting



# EXECUTIVE COUNCIL OF IOWA

Teleconference Only

Monday, March 07, 2022 at 10:00 AM

## MINUTES

The Executive Council met in regular session at 10:01 a.m. via conference call. Governor Kim Reynolds presided over the meeting. Secretary of State Paul Pate, Treasurer of State Michael Fitzgerald and Secretary of Agriculture Michael Naig were present. Auditor of State Rob Sand was absent.

### 1. Approval of Minutes

Moved by Secretary Pate and seconded by Secretary Naig that the Council approve the minutes of the Executive Council and Board of Canvass meeting held on February 28, 2022.

The vote:	Ayes:	Governor Reynolds
		Secretary Pate
		Treasurer Fitzgerald
		Secretary Naig
	Nays:	None

### 2. Iowa Code §7D.10

Moved by Treasurer Fitzgerald and seconded by Secretary Naig that the Council approve the request from the Attorney General's Office for payment of Expenses Under Iowa Code §7D.10 in the amount of \$15,292.04 for prosecuting cases under Iowa Code chapter 229A.

The vote:	Ayes:	Governor Reynolds
		Secretary Pate
		Treasurer Fitzgerald
		Secretary Naig
	Nays:	None

### 3. Outside Counsel

Moved by Treasurer Fitzgerald seconded by Secretary Pate that the Council approve the request from the Department of Justice, Attorney General's office as follows:

- A. The Department of Justice, Attorney General's office requested an hourly compensation rate increase for Patterson Law Firm for currently active and future cases from \$140 to \$160 per hour for partners. Raises for other personnel at the firm would be \$140 per hour for an associate, \$90 per hour for a paralegal and \$70 per hour for a law clerk; effective March 1, 2022.

The vote:	Ayes:	Governor Reynolds Secretary Pate Treasurer Fitzgerald Secretary Naig
	Nays:	None

### 4. Emergency Allocations

Moved by Secretary Pate and seconded by Secretary Naig that the Council approve the following emergency allocation items:

- A. Department of Public Safety requested a supplemental emergency allocation in the amount of \$293.60. This brings the total allocation to \$13,491.90. On August 28, 2021, State Patrol Vehicles #261 & #159 were damaged by hail. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- B. Board of Regents - University of Northern Iowa requested an emergency allocation in the amount of \$40,887.18. On November 29, 2021, the Wellness Recreation Center sustained gymnasium floor damages due to a steam pipe break. Request was to cover repair costs.

The vote:	Ayes:	Governor Reynolds Secretary Pate Treasurer Fitzgerald Secretary Naig
	Nays:	None

### 5. Payment of Cost Items

Moved by Secretary Naig and seconded by Treasurer Fitzgerald that the Council approve the following cost items:

- A. Department of Administrative Services .....\$11,306.48  
On August 10, 2020, Vehicles #2213, #105974 and #2005 were damaged by a derecho.  
Request was to cover repair costs. This represents full and final payment.
- B. Department of Administrative Services .....\$19,810.93  
On June 29, 2021, Vehicle #1108 was stolen. Request was to cover costs. This represents full and final payment.



- C. Department of Administrative Services .....\$2,370.75  
On July 9, 2021, Vehicle #105687 was damaged by hail. Request was to cover repair costs. This represents full and final payment.
- D. Department of Administrative Services .....\$5,991.80  
On July 9, 2021, Vehicle #2536 was damaged by hail. Request was to cover repair costs. This represents full and final payment.
- E. Department of Administrative Services .....\$5,480.45  
On October 6, 2021, Vehicle #2944 was damaged by a deer. Request was to cover repair costs. This represents full and final payment.
- F. Iowa Communications Network .....\$13,860.36  
On June 23, 2021, a cable was damaged due to exposure along US 169 at Deer Creek in Webster County. Request was to cover repair costs. This represents full and final payment, \$48.36 will be reverted and this allocation closed.
- G. Gray Miller Persh, LLP.....\$1,660.60  
2233 Wisconsin Avenue NW  
Suite 226  
Washington, D.C. 20007  
Iowa PBS
- H. Michael Marquess.....\$5,000.00  
2183 Docks Drive  
Garwin, IA 50632  
Tribal cases when the offenses are committed by non-natives against non-natives (or without a victim) on the Sac and Fox Indian Settlement in Tama County
- I. Richard J. Bennett, Sr.....\$2,886.00  
PO Box 65666  
West Des Moines, IA 50265  
Special Counsel for the Criminal Appeals Division of the Iowa Attorney General's Office
- J. Patterson Law Firm L.L.P.....\$448.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Debra Oelrich v. University of Iowa Hospitals & Clinics, State of Iowa and Second Injury Fund of Iowa.

The vote:	Ayes:	Governor Reynolds Secretary Pate Treasurer Fitzgerald Secretary Naig
	Nays:	None

**6. Adjourn Meeting**

Moved by Secretary Pate and seconded by Secretary Naig that the meeting adjourn.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Victoria Newton".

Victoria Newton  
Executive Secretary



Kim Reynolds, Governor

Adam Gregg, Lt. Governor

Kelly Garcia, Director

Victoria Newton, Executive Secretary  
 Executive Council of Iowa  
 State Capitol Building

Re: Governor's Proclamation of a State of Disaster Emergency – Request for Funds

Dear Ms. Newton:

On March 5, 2022, there were damaging winds, straight-line winds, heavy rains, thunderstorms, and tornadoes in Adair, Benton, Decatur, Jasper, Lucas, Polk, Madison, Tama, Warren, and Wayne counties causing damage.

Per the Governor's Disaster Proclamation, I am requesting funding for the Iowa Individual Assistance Grant Program (IIAGP) and Iowa Disaster Case Management Grant Program (IDCM) be placed on the Executive Council Agenda for Monday, March 21, 2022. The Iowa Department of Human Services is requesting the Executive Council adopt a Resolution for Funds in the amount of \$150,000.00 to be allocated as follows.

- \$100,000.00 for IIAGP for Adair, Benton, Decatur, Jasper, Lucas, Polk, Madison, Tama, Warren, and Wayne counties.
- \$50,000.00 for IDCM for Adair, Benton, Decatur, Jasper, Lucas, Polk, Madison, Tama, Warren, and Wayne counties.

Pursuant to Iowa Code 29C.20A, these funds will be distributed to individuals or families to replace/repair items affected by the disaster emergency which cannot be met by other means of financial assistance. Pursuant to Iowa Code 29C.20B, funding will be distributed to Disaster Case Management to help individuals or families with unmet needs that were affected by the disaster to establish a recovery plan.

The account coding for the funds to be transferred will be:

<u>Dept</u>	<u>Fund</u>	<u>Appr</u>	<u>Org</u>	
401	0391	0000	1963	– State Only Disaster IIAGP – 10 counties (3/5/22)
401	0391	0000	6073	– State Only Disaster IDCM – 10 counties (3/5/22)

Thank you for your assistance.

Sincerely,

A handwritten signature in black ink that reads 'Kelly Garcia'.

Kelly Garcia  
 Director

cc: Vern Armstrong, Department of Human Services  
 Christie Templeton, Department of Human Services  
 Barb DeJoode, Department of Human Services  
 Robert Beran, Department of Human Services  
 Julie McCauley, Department of Human Services  
 Linda Leto, Department of Management

THOMAS J. MILLER  
ATTORNEY GENERAL

JEFFREY S. THOMPSON  
SOLICITOR GENERAL



IOWA DEPARTMENT OF JUSTICE  
OFFICE OF THE ATTORNEY GENERAL

1305 E. WALNUT ST.  
DES MOINES, IA 50319  
Main: 515-281-5164 • Direct: 515-281-4419  
Email: Jeffrey.Thompson@iowa.gov  
www.iowaattorneygeneral.gov

March 16, 2022

Ms. Victoria Newton  
Executive Secretary  
Executive Council  
State Capitol  
L-O-C-A-L

Re: Request for Payment of SVP Court Costs

Dear Victoria:

Our Office requests Executive Council approval for payment pursuant to Iowa Code section 7D.10 for court costs and expenses incurred in prosecuting civil commitments under Iowa Code chapter 229A for the Sexually Violent Predator (SVP) program.

In addition to the cost of employee salaries, travel and support devoted to this program, the Office incurs substantial expenses for expert witnesses. These expenses have increased substantially due to the growing number of chapter 229A commitments. Section 7D.10 authorizes payment of court costs and expenses by the Executive Council "[i]f sufficient funds for court costs have not been appropriated to a state department, or if sufficient funds are not otherwise available for such purposes within the budget of a state department." There is no specific appropriation for these expenses and sufficient funds are not otherwise available.

Therefore, pursuant to Iowa Code section 7D.10, the Office requests Executive Council approval of payment of \$6,400.00 for record review/report preparation (invoices enclosed).

Sincerely,

JEFFREY S. THOMPSON  
Solicitor General